

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Rho-Chem Corporation
425 Isis Avenue
Inglewood, California 90301
CAD 008 354 432

Respondent.

Docket HWCA 2007 1487

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and Rho-Chem Corporation (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent generates, handles, and stores hazardous waste at the following site: 425 Isis Avenue, Inglewood California 90301.

1.3. Inspection. The Department inspected Respondent on June 26, 27, and 28, 2007.

1.4. Authorization Status. The Department authorized Respondent to manage hazardous waste by Hazardous Waste Facilities Permit issued on September 28, 1990.

1.5. Jurisdiction. Health and Safety Code, section 25187, authorizes the Department to order action necessary to correct violations and to assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

1.6. Full Settlement. This Order shall constitute full settlement of the violations alleged below. The Parties, and each of them, agree that this Order, and all of the terms contained herein, are fair, reasonable, and in the public interest. By agreeing to

this Order, the Department does not waive any right to take other enforcement actions except as specifically provided in this Order.

1.7. Hearing. Respondent waives any and all rights to a hearing in this matter.

1.8. Admissions. Respondent admits the violations as alleged in Section 2 below.

2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violation:

2.2. Respondent violated Health and Safety Code section 25202, in that Respondent stored hazardous waste from off-site at an unauthorized location.

2.3. Respondent violated California Code of Regulations, title 22, section 66264.15, subsection (d), in that Respondent failed to include the time of inspection, and on approximately three occasions failed to include the time of inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions in the daily inspection logs.

2.4. Respondent violated California Code of Regulations, title 22, section 66265.171, in that Respondent failed to transfer the waste of a leaking container to a container that is in good condition.

2.5. Respondent violated California Code of Regulations, title 22, section 66264.31, in that Respondent failed to maintain and operate its facility in a manner to minimize the possibility of any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Respondent has corrected the violations set forth above. Respondent shall operate hereafter in a manner that shall prevent recurrences of the violations cited herein.

3.1. 2. Respondent shall make all payments at the time(s) and in accord with any other conditions set forth in Section 5 (Penalty) below.

4. OTHER PROVISIONS

4.1. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondent may be required to take such further actions as are necessary to protect public health or welfare or the environment.

4.2. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties and/or damages, as provided by Health and Safety Code, section 25188, and other applicable provisions of law.

4.3. Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

4.4. Integration. This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this Order.

5. PENALTY

5.1. The Respondent shall pay the Department a total penalty of \$17,000.

5.2. Payment of \$17,000 specified in paragraph 5.1 shall be paid in two (2) installments of \$8,500. The first installment in the amount of \$8,500 is due within 30 days from the effective date of this Order. The second installment in the amount of \$8,500 is due within 60 days from the effective date of this Order.

5.3. Respondent's check(s) shall be made payable to Department of Toxic Substances Control, shall identify the Respondent and Docket Number, as shown in the caption of this case, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check(s) shall be sent to:

Roberto Kou, Unit Chief
Enforcement & Emergency Response Program
Department of Toxic Substances Control
9211 Oakdale Ave.
Chatsworth, CA 91311

and

James Grace
Office of Legal Affairs
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3268

5.4. If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code, section 25360.1, and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

6. EFFECTIVE DATE

6.1. The effective date of this Order is the date it is signed by the Department.

Dated: 5/22/08

Original signed by Ramon J. Robles
Respondent

Dated: 6/6/08

Original signed by Roberto Kou
Roberto Kou, Unit Chief
Enforcement & Emergency Response Program
Department of Toxic Substances Control